



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**956 CIVIL APPLICATION NO. 4044 OF 2026
IN FA/1134/2026
WITH
FA/1134/2026**

HITESH ISHWARLAL DESAI

....Applicant

VERSUS

GOVIND RANU SARODE

.....Respondent

Mr. D. A. Bide, Advocate for the Applicant

Mr. Anand Dale, Advocate h/f Mr. S. S. Rathi, Advocate for the
Respondent No.3

CORAM : ABHAY J. MANTRI, J.

DATE : 05th MAY, 2026

PER COURT :

1. Heard the learned Advocate for the Appellant/Applicant and learned Advocate for the Respondent No. 3. Perused the record.
2. Learned Advocate for the Appellant submitted that the Appellant has deposited the penalty and cost amount of Rs. 4,44,900/- before the learned Trial Court. He further submitted that the Appeal bearing No. 505/2025 preferred by the insurance company arising from the impugned judgment and order is admitted by this Court on 21-03-2025. As such, he urged for admission of the Appeal as well as grant of stay to the impugned judgment and order.

3. Having considered the above facts and grounds raised by the Appellants in the Appeal memo and in view of the substantial question of law framed by this Court in connected Appeal No. 505/2025, [Govind Ranu Sarode and another Vs Iffco Tokio General Insurance Co. and others] and also the proposed substantial question of law framed by the Appellant as follows :

- i] Whether the learned Commissioner Employees Compensation without any justification has wrongly imposed the liability of penalty against the Appellants?
- ii] The deceased has not died during the course of employment, even otherwise the employees of the Appellant's company are insured by the Respondent No. 3 Insurance company, therefore, the liability imposed against Appellant No. 1 is at all not permissible in the eyes of law.
- iii] Whether the death of the deceased can be attributed to the employment or whether there is nexus between accidental death and employment of deceased so as to bring home liability of the insurer under terms and conditions of the insurance contract.
- iv] Whether the Applicants have established employer-employee relationship between the deceased and Respondent No. 2 on the basis of alleged agreement between contractor and insured.

4. In view of the above, this ***Appeal is admitted.***

5. Issue notice to the Respondents. Mr. Rathi, learned Advocate, waives service of notice for the Respondent No.3.

6. In the meantime, interim relief is granted in terms of prayer *clause B*.
7. This Appeal is to be tagged along with the FA/505/2025.
8. In view of the above, the **civil Application is allowed and disposed of.**

[ABHAY J. MANTRI, J.]

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